

THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE: §
§
WILL SPENCER CHAVIS § CASE NO. 18-40250-R
XXX-XX-6120 §
2580 COLLIN MCKINNEY PARKWAY § CHAPTER 13
MCKINNEY, TX 75070 §
§
ROSE MARIE CHAVIS §
XXX-XX-3102 §
§
DEBTORS §

TRUSTEE'S REPORT FOR CONFIRMATION AND WITNESS AND EXHIBIT LIST

TRUSTEE'S REPORT FOR CONFIRMATION

Attorney for Debtors: LEINART LAW FIRM

Trustee: CAREY D. EBERT

Plan filed on: February 19, 2018

Confirmation Hearing: May 16, 2018

Applicable Commitment Period: 36

I. Budget Information

A. Monthly income:

Debtor	\$	0.00
Joint Debtor	\$	0.00
Other	\$	4,063.00
Total	\$	4,063.00
Expenses	\$	3,607.78
Difference	\$	455.22

B. Monthly plan payments

*

\$450.00 for 60 months = \$ 27,000.00

II. Analysis of Plan

A. Monthly plan payment	*
B. Plan duration in months	60
C. Total to be paid into plan	\$ 27,000.00
D. Administrative allowance (10% of total to be paid into plan)	\$ 2,700.00
E. Net available to creditors	\$ 24,300.00

The Plan proposes the following treatment of the listed claims:

Creditor	Proposed Principal Amount	Rate	Term	Monthly Payment	Total
<u>TREATMENT OF SECURED CLAIMS:</u>					
Section 3.1 - Post Petition Home Mortgage Claims					
FRANKLIN CREDIT MNGMNT	\$0.00	0.00		\$187.00	\$0.00
RENTAL PROPERTY (Debtor is disbursing agent)					
OCWEN LOAN SERVICING	\$0.00	0.00		\$1,032.00	\$0.00
RENTAL PROPERTY (Debtor is disbursing agent)					
DALLAS COUNTY TAX ASSESSOR/COI	\$0.00	0.00		\$0.00	\$0.00
PROPERTY TAX LIEN (Debtor is disbursing agent)					
Section 3.2 - Cure Claims					
FRANKLIN CREDIT MNGMNT	\$7,850.00	0.00	1-60	\$0.00	\$7,850.00
MORTGAGE ARREARS					
OCWEN LOAN SERVICING	\$7,200.00	0.00	1-60	\$0.00	\$7,200.00
MORTGAGE ARREARS					
Section 3.4 - Secured Claims Subject to §506 Bifurcation					
CONN'S HOMEPLUS	\$583.00	0.00	1-60	\$0.00	\$583.00
CLOTHES DRYER					
CONN'S HOMEPLUS	\$572.50	0.00	1-60	\$0.00	\$572.50
REFRIGERATOR					
PREMIER FINANCIAL	\$1,000.00	5.00	1-60	\$0.00	\$1,131.77
2000 HONDA CRV					
PREMIER FINANCIAL	\$1,801.00	5.00	1-60	\$0.00	\$2,038.43
2007 MITSUBISHI ECLIPSE					
PREMIER FINANCIAL	\$0.00	0.00		\$15.00	\$0.00
2000 HONDA CRV ** AP					
PREMIER FINANCIAL	\$0.00	0.00		\$27.02	\$0.00
2007 MITSUBISHI ECLIPSE ** AP					
TOTAL PAID TO SECURED CLAIMS:					\$ 19,375.70

TREATMENT OF ADMINISTRATIVE EXPENSES, DSO CLAIMS AND OTHER PRIORITY CLAIMS:**Section 4.3 - Attorney Fees:**

LEINART LAW FIRM	\$4,000.00	0.00	\$0.00	\$4,000.00
DEBTOR ATTORNEY				

TOTAL PAID TO PRIORITY AND SPECIALLY CLASSIFIED UNSECURED CLAIMS: \$ 4,000.00

TREATMENT OF NONPRIORITY UNSECURED CLAIMS:**Section 6.1 - Executory Contracts and Unexpired Leases**

ADVANTAGE STORAGE MCKINNEY R	\$0.00	0.00	\$0.00	\$0.00
LEASE (Assume lease)				
ORION MCKINNEY	\$0.00	0.00	\$0.00	\$0.00
LEASE (Assume lease)				

Section 5.2 - General Unsecured Claims

Allowed nonpriority unsecured claims shall comprise a single class of creditors and will be paid:

100% + interest
 100% + interest with no future modifications to treatment under this section
 Pro Rata Share of all funds remaining after payment of all secured, priority, and specially classified unsecured claims.

Debtor Non Exempt Property \$0.00

Trustee Asserted Non Exempt Property \$0.00

TOTAL PAID TO PRIORITY, SPECIALLY CLASSIFIED UNSECURED AND SECURED CLAIMS: \$23,375.70

AMOUNT AVAILABLE TO UNSECURED CLAIMS: \$924.30

PROJECTED DISPOSABLE INCOME AMOUNT UNDER 11 USC §1325(b): \$0.00

The Trustee objects to confirmation on the following grounds:

- It does not appear that the Debtors have dedicated all projected disposable income to the proposed plan as required by 11 USC §1325(b)(1)(B). Trustee is unable to determine disposable income at this time.
- The Debtors have not tendered to the Chapter 13 Trustee the following documents:
 - Tax returns for the following year(s): 2017
 - Reports of Receipts and Disbursements for February 2018 forward (Tax Services).
 - Current declaration regarding status of post-petition obligations. (TXEB Local Form 3015-c)
 - Correct method of payment in 2.3 of order.
 - Proof of rental income.
- The Trustee objects to Section 3.10 because Debtor has failed to provide proof of service upon the affected claimant in compliance with the requirements under Bankruptcy Rule 7004.

WITNESS AND EXHIBIT LIST

The Trustee reserves the right to call as a witness any or all of the following listed persons in relation to confirmation:

1. Carey D. Ebert, Chapter 13 Trustee
3. Debtors
4. Any witness designated by other party

The Trustee reserves the right to introduce into evidence any or all of the following:

1. Copy of the Trustee's Confirmation Report, Witness and Exhibit List
2. Copies of any schedules or pleadings as filed herein by the Debtors or any other party
3. Copies of any Proof of Claim as filed herein by any creditor or other party
4. Copies of any Chapter 13 Plan and amendments thereof filed herein by the Debtors
5. Copy of the latest computer printout from the Trustee's office representing the Chapter 13 Plan payments received by the Trustee from the Debtors
6. If the Debtors are self-employed, the Debtors' monthly operating reports or profit and loss statements provided to the Trustee
7. Copies of the Debtors' prior years' tax returns as provided to the Trustee
8. Copy of Required Amendments sheet from the §341 Meeting of Creditors
9. Copy of any other document produced by the Debtors at the §341 Meeting of Creditors, or subsequently produced by the Debtors to the Trustee
10. Copy of the current issue of the Dallas/Fort Worth Metroplex Apartment Guide and/or copies of current reports from www.apartmentratings.com
11. Reports from news media sources for the DFW Metroplex

Copies of these exhibits will be provided by the Trustee upon request by any party.

Respectfully submitted,

/s/ Carey D. Ebert

Carey D. Ebert, TBN 05332500
Office of the Standing Chapter 13 Trustee
500 North Central Expressway, Suite 350
Plano, Texas 75074
(972) 943-2580 / Fax (972) 943-8050

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Trustee's Report for Confirmation and Witness and Exhibit List has been served upon the following parties in interest on the date set forth below by either electronic service or mailing a copy of same to them via first class mail.

WILL SPENCER CHAVIS
ROSE MARIE CHAVIS
2580 COLLIN MCKINNEY PARKWAY
MCKINNEY, TX 75070

LEINART LAW FIRM
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SUITE 212
DALLAS, TX 75243-6608

LINEBARGER GOGGAN BLAIR & SAMPSON
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DALLAS, TX 75207

SYNCHRONY BANK
C/O PRA RECEIVABLES MANAGEMENT LLC
PO BOX 41021
NORFOLK, VA 23541

CODILIS & STAWIARSKI
400 N. SAM HOUSTON PARKWAY EAST
SUITE 900A
HOUSTON, TX 77060

JENNIFER R. BERGH, ESQ.
LAW OFFICES OF MICHELLE GHIDOTTI
1920 OLD TUSTIN AVE
SANTA ANA, CA 92705

Dated: April 10, 2018

/s/ Carey D. Ebert

Office of the Standing Chapter 13 Trustee